

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Reissue Application of

Inventors: James A. SATCHELL, JR., et al.

Group Art Unit: 2125

Original U.S. Patent No.: 5,822,216  
issued October 13, 1998

Examiner: Steven R. Garland

Reissue Application Serial No.: 09/686,626

Conf. No.: 6147

Reissue Application Filing Date: October 12, 2000

For: VENDING MACHINE AND COMPUTER ASSEMBLY

**PETITION UNDER 37 CFR 1.181 TO INVOKE  
SUPERVISORY AUTHORITY OF THE DIRECTOR TO  
EXPUNGE COMMUNICATION DATED SEPTEMBER 7, 2007 FROM THE FILE**

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Relevant Prosecution History**

This Reissue application was filed on October 12, 2000 and assigned to Non-Primary Examiner Steven R. Garland.

One of the Applicants, an African-American from Tuskegee, Alabama, Mr. James A. Satchell, Jr. attended a personal interview with Non-Primary Examiner, Mr. Garland and his Supervisor, Mr. Leo Picard, in the presence of the Applicants' Patent Attorney.

Mr. Satchell, being a Preacher and, as was his custom, wore his collar denoting his Office as a Minister during the personal interview.

After hearing arguments from Applicants' Patent Attorney, Mr. Picard, looking directly at Mr. Satchell and directly addressing him stated words to the effect that "because this application is potentially worth a lot of money, it would be given "extra scrutiny" before they would allow it to issue to [Mr. Satchell]". Mr. Satchell took Mr. Picard's statement to be based on prejudice and discriminatory against Mr. Satchell, as reissue applicant, based upon his race.

A Declaration signed by Mr. Satchell dated August 9, 2006 and one of his Attorney, Mr. Eric P. Robins (Registration No. 45,047), who, at the time, was an Associate in the Firm of the undersigned, also filed his Declaration, dated August 24, 2006. The application, after numerous rejections, was finally the subject of an Appeal, and during the briefing phase, specifically in the Reply Brief, Section 2, Appellants reiterated the "racial bias of non-primary Examiner Garland and his Supervisor, Supervisory Primary Examiner (SPE) Leo Picard...".

On September 4, 2007 an Office Communication was mailed stating "the reply brief filed June 25, 2007 has been entered and considered. The reply brief includes allegations of racial basis (sic-bias) against one of the named inventors however, the allegations lack evidentiary support and are therefore in violation of 37 CFR §10.18(b)(2). No further discussion of the allegations is deemed necessary. ..." This communication was initialed by Examiner Steven Garland and signed by Supervisory Patent Examiner Leo Picard, no other signatures appear on the communication.

**Specific Relief Requested.**

The undersigned, on behalf of Applicants find this situation extremely unorthodox that allegations of racial bias, supported by Declarations executed under penalty of fine

and/or imprisonment and made of record in this application have been found to “lack evidentiary support”. Furthermore, it is extremely unlikely that the Director of Enrollment and Discipline has delegated to Mr. Leo Picard and Steven Garland his authority and duty under 37 CFR 10.2(b), nor to abrogate the investigations under 37 CFR §10.131, nor the institution of a disciplinary proceeding under 37 CFR §10.134, or even the opportunity to respond under 37 CFR §10.18(b)(2) (iii), before the alleged finding under 37 CFR §10.18(b)(2) stated in the comments.

Lastly, it is a denial of due process to have those person(s) who made the racially biased statements sit as the decision makers concerning such bias. It is noted for the record that neither Steven Garland nor Leo Picard has refuted, or in any way disputed, the statements made in the Declarations of Applicant Mr. James A. Satchjell, Jr. or his Patent Attorney.

It is therefore respectfully requested that the Office Communication dated September 4, 2007 be expunged from the record (although Applicants do not contest the last sentence of that communication that “the application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal”).

Petition Under 37 CFR 1.181...  
U.S. Application Serial No. 09/686,626

If any fees are necessary in connection with this Petition please charge to the undersigned's Deposit Account No. 19-4375.

Respectfully submitted,



Date: November 7, 2007

By:

Thomas P. Pavelko  
Registration No. 31,689

TPP/mvj  
ATTORNEY DOCKET NO. TPP31333

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.  
1615 L STREET, N.W., SUITE 850  
WASHINGTON, D.C. 20036  
TELEPHONE NO.: 202-785-0100  
FACSIMILE NO.: 202-785-0200